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communication system including a digital transmitter for communication with individual identified subscriber units geographically located within the cell site, a set of receive only digital receivers positioned in said subdivided zones, each said digital receiver being coupled by a transmission link with the cell site communication system to relay received digital communications, and a set of said subscriber units comprising portable wireless digital communication units with a limited power digital transmitter having a transmitting power for transmissions within the area of the subdivided zones and a receiver for reception of digital messages from said cell site digital transmitter, said transmissions of said subscriber units to said receive only digital receivers synchronously related to said digital messages transmitted by said cell site digital transmitter.

#### REMARKS

The Examiner has rejected Claim 47 under 35 U.S.C. § 103 as being unpatentable over Martinez. Applicant respectfully submits that the Martinez reference does not disclose or render obvious the present claimed invention.

#### The Cited Reference:

Applicant understands the Martinez reference, to disclose a system wherein conventional television signals including horizontal sync pulses 31 and digital data is transmitted from a standard TV transmitter 10. The television signals are received by an antenna 12 of a receiver 34. If a reply to the television signals is desired, the receiver transmits to a central receiver 28 which is connected to a central office 6. Yet another antenna at the central office also detects the television signals transmitted from transmitter 10 in order to initiate timing processes based upon the horizontal and vertical synchronizing pulses.

The Claimed Invention As Amended:

In the present claimed invention as recited in amended Claim 47, a digital cellular communication system having a cell site divided into a plurality of subdivided zones 19, a plurality of subscriber units 17 with identity numbers are based in said cell site, and a cell site communication system including a digital transmitter 8 for communication with individual identified subscriber units is disclosed. The plurality of subscriber units surrounding the cell site digital transmitter are adapted for multiplex transmission of digital messages synchronously related to a cell site digital transmitter broadcast signal for system coordination. Digital messages are transmitted from the plurality of subscriber units to the cell site digital transmitter through a receive only digital receivers in cell site subdivision zones.

Discussion:

The Examiner has apparently taken the position, on page 2 of the present Office Action, that the present invention would be obvious to one of ordinary skill in the art in light of the Martinez reference. It is Applicant's position, however, that the present invention as set forth in amended claim 47 would not be obvious or even suggested by the combination of the Martinez reference. Applicant points out that the Martinez reference does not disclose a system in which a cell site digital transmitter transmits directly to at least one subscriber unit, and then the subscriber unit transmits back to the cell site digital transmitter using a receive only digital receiver as set forth in claims of the present invention. Furthermore, Applicant respectfully submits that the Martinez reference specifically disclose transmitting data messages which are integral with a conventional television signal. Such is not the case in the present invention as set forth in amended Claim 47.

Provisional Double Patenting Rejections

The Examiner has, on page 3 of the present Office Action, provisionally rejected Claims 1 and 35-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-15 of co-pending Application Serial No. 07/966,414. Applicant is submitting herewith a Terminal Disclaimer in accordance with 37 C.F.R. § 1.321(b) to overcome the provisional obviousness-type double patenting rejection covering Claims 1 and 35-46.

CONCLUSION

Applicant respectfully submits that all Claims remaining in the present Application are in condition for allowance and an early allowance would be appreciated.

Drawings corrected in accordance with the Draftsperson's comments are also being submitted herewith.

If a telephone call would expedite prosecution of the present Application, the Examiner is invited to contact Applicant's attorney.

Respectfully submitted,

LAW OFFICES OF PATRICK T. KING

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